

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CABRERA SERVICES, INC. PLAINTIFF

v. Cause No. 1:21-CV-31-LG-JCG

**APTIM FEDERAL SERVICES, LLC DEFENDANT/COUNTER-
PLAINTIFF**

v.

CABRERA SERVICES, INC. COUNTER-DEFENDANT

APTIM FEDERAL SERVICES, LLC THIRD-PARTY PLAINTIFF

v.

BECC, INC. THIRD-PARTY DEFENDANT

consolidated with

ROLLCON, LLC PLAINTIFF

v. Cause No. 1:21-CV-64-HSO-JCG

CABRERA SERVICES, INC. DEFENDANT

CABRERA SERVICES, INC. THIRD-PARTY PLAINTIFF

v.

APTIM FEDERAL SERVICES, LLC THIRD-PARTY DEFENDANT

ORDER GRANTING UNOPPOSED MOTION TO CONSOLIDATE

BEFORE THE COURT is the [47] Unopposed Motion to Consolidate filed by Rollcon, LLC (“Rollcon”). After due consideration, the Court finds that the Motion should be granted.

Both lawsuits at issue in this Motion to Consolidate were originally filed in the United States District Court for the District of Connecticut. The first lawsuit, *Cabrera Servs., Inc. v. APTIM Fed'l Servs., LLC*, involves a breach of contract claim by a subcontractor, Cabrera Services, Inc. ("Cabrera"), against APTIM Federal Services, LLC ("APTIM") for amounts due under the subject subcontract. APTIM filed a counterclaim against Cabrera. APTIM later filed a third-party complaint against Third-Party Defendant BECC, Inc. ("BECC"). In the second lawsuit, styled *Rollcon, LLC v. Cabrera Servs., Inc.*, the plaintiff, Rollcon, a subcontractor of Cabrera, asserts another breach of contract claim against Cabrera. In that lawsuit, Cabrera filed a third-party complaint against APTIM, asserting that APTIM owes indemnity to Cabrera for Rollcon's claims and reasserting its breach of contract claim.

On November 13, 2020, the Court in the first-filed case, *Cabrera Servs., Inc. v. APTIM Fed'l Servs., LLC*, ordered the cases consolidated. After consolidation, the cases were transferred to this Court. The cases were transferred separately and are now styled *Cabrera Servs., Inc. v. APTIM Fed'l Servs., LLC*, No. 1:21-cv-31-LG-JCG and *Rollcon, LLC v. Cabrera Servs., Inc.*, 1:21-cv-64-HSO-JCG. Rollcon moves to reconsolidate the cases pursuant to the District of Connecticut's order and the agreement of the parties.

Rule 42 of the Federal Rules of Civil Procedure provides that where "actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions;

or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). The Court has broad discretion in determining whether and to what extent to consolidate cases. *Ctr. for Biological Diversity, Inc. v. BP Am. Prod. Co.*, 704 F.3d 413, 432 (5th Cir. 2013) (“The trial court’s managerial power is especially strong and flexible in matters of consolidation.”) (quoting *In re Air Crash Disaster at Fla. Everglades on Dec. 29, 1972*, 549 F.2d 1006, 1013 (5th Cir. 1977)).

Here, the Court will exercise its discretion and order consolidation. Because the two lawsuits involve common issues of law and fact, and because the District of Connecticut has already determined that consolidation is “[i]n the interest of judicial economy,” (See Order Consol., ECF No. 22), the Motion to Consolidate should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [47] Unopposed Motion to Consolidate filed by Rollcon, LLC is **GRANTED**. Civil Action No. 1:21cv64 shall be consolidated with Civil Action No. 1:21cv31. *Cabrera Servs., Inc. v. APRIM Fed’l Servs., LLC*, Civil Action No. 1:21cv31-LG-JCG shall serve as the lead case with *Rollcon, LLC v. Cabrera Servs., Inc.* designated as a member case. All subsequent pleadings relating to these causes of action should be filed in the lead case only.

SO ORDERED AND ADJUDGED this the 7th day of April, 2021.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE